

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KATHLEEN TURNER,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES
LLC, and ABILITY RECOVERY
SERVICES LLC,

Defendants.

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No. 2:24-cv-02334-SHL-atc

**ORDER GRANTING DISMISSAL WITH PREJUDICE AS TO DEFENDANT
EQUIFAX INFORMATION SERVICES LLC**

Before the Court is Plaintiff Kathleen Turner's Notice of Voluntary Dismissal with Prejudice as to Equifax Information Services LLC, filed October 29, 2024. (ECF No. 24.) Turner seeks to voluntarily dismiss with prejudice all of her claims against Equifax under Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Id. at PageID 116.) Turner's claims against Defendant Ability Recovery Services LLC remain.

Because Equifax has not filed an answer or a motion for summary judgment, dismissal under Rule 41(a)(1)(A)(i) would normally be proper. However, in multi-defendant matters, "Rule 21 provides the appropriate basis for dismissal of a single defendant," not Rule 41. Henderson-Thompson v. Jardoin, No. 2:22-cv-2013-MSN-cgc, 2022 WL 349896, at *2 (W.D. Tenn. Feb. 4, 2022) (citing Philip Carey Mfg. Co. v. Taylor, 286 F.2d 782, 785 (6th Cir. 1961)); see also Wilkerson v. Brakebill, No. 3:15-CV-435-TAV-CCS, 2017 WL 401212, at *2 (E.D. Tenn. Jan. 30, 2017) (collecting district court cases from within the Sixth Circuit recognizing that Rule 21, rather than Rule 41, is applicable when dismissing a single claim or defendant instead of an entire lawsuit). The Court will therefore construe Turner's notice of dismissal

under Rule 41 as a motion to dismiss under Rule 21. See Henderson-Thompson, 2022 WL 349896, at *2.

Rule 21 permits a court to drop a party at any time on motion or on its own. Fed. R. Civ. P. 21. Dropping parties under Rule 21 functions as a dismissal of the party. See Henderson-Thompson, 2022 WL 349896, at *2. Thus, all claims against Defendant Equifax Information Services LLC are **DISMISSED WITH PREJUDICE** under Rule 21. This dismissal does not apply to Turner's claims against Defendant Ability Recovery Services LLC.

IT IS SO ORDERED, this 29th day of October, 2024.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE